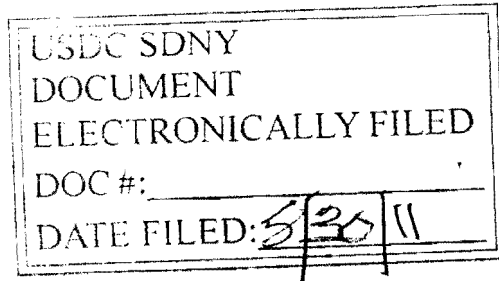


AUG. 11. 2011 8:05PM TROUTMAN SANDERS LLP

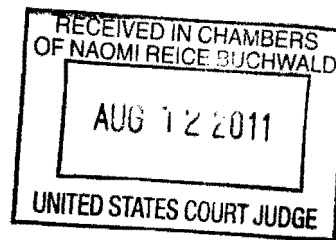
NO. 463 P. 1



Beys, Stein & Mobargha LLP

Nader Mobargha

August 11, 2011

**VIA FACSIMILE (212) 805-7927**

The Honorable Naomi Reice Buchwald
 United States District Judge
 Southern District of New York
 500 Pearl Street
 New York, New York 10007

Re: Kriss, et al. v. Bayrock Group, LLC, et al., 10 Civ. 3959 (NRB)

Dear Judge Buchwald:

We represent defendant John Doe in the above-captioned matter, for which "there is no operative complaint" as of yet, and for which the deadline to file a complaint was August 10, 2011. We write to respectfully request notice of any further adjournment requests by plaintiff's counsel, Richard Roe, and to request that the Court impose a deadline on when Roe must file a redacted complaint.

Roe has flatly refused our request to provide copies of his correspondence with the Court, including his letter, dated May 27, 2011, to Your Honor ("May 27th Letter"), which we have not received to date. His basis for his refusal is that "no one has answered the complaint (i.e., the non-operative complaint) there is no basis for, and so I am not, cc'ing [counsel for John Doe on] this letter." See Letter from Your Honor to R. Roe, dated May 31, 2011 ("May 31st Letter"). Indeed, had Your Honor not provided us with a copy of your May 31st letter, we would not have even known that Roe's May 27th letter existed.

Application denied without prejudice. 8/25/11

We expressly demanded that Roe provide us a copy of his May 27th letter. He responded, however, as follows:

The Chrysler Building
 405 Lexington Avenue
 7th floor
 New York, New York 10174
 212-387-8200 (Main)
 212-387-8229 (Fax)
 nmobargha@bsmllegal.net

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The letter you refer to advised Judge Buchwald why I was not copying you. Presumably if she had wanted you to see it she would have attached it to her letter. But as a courtesy to you I will tell you that I told her as neither you or anyone has answered the complaint there was no need based on the contents of the letter to copy you or any of the other defendants as the letter was not a judicial document since it sought no relief and made no request that the court exercise or refrain from exercising any Article III function.... In smaller words, that means I made no application.

See Exhibit ("Ex.") 1, Email from R. Roe to N. Mobargha, dated June 2, 2011. Roe should be ordered to copy us on any and all correspondence with the Court, including any requests to adjourn the deadline by which to file the currently non-operative, non-pending complaint.

Finally, we also request that Roe be given a deadline to file a redacted complaint. The Court of Appeals recently denied all of Roe's appeals in their entirety, effectively rejecting his numerous attempts to disclose Doe's sealed and confidential information. See Ex. 2, Summary Order, dated June 29, 2011. Accordingly, all sealed and confidential information concerning Doe must remain sealed, and by extension, Roe cannot disclose any of it in a publicly filed complaint as he has sought to do since May 2010. Without any legal recourse left (except to file an appeal to the Supreme Court, a tactic that has already attempted), Roe now must file a redacted complaint omitting all references to Doe's sealed and confidential information, or refrain from filing any complaint at all. Accordingly, we respectfully request that the Court impose a hard deadline for Roe to do so without granting any further extensions.

Respectfully submitted,



Nader Mobargha
Counsel for Defendant John Doe

cc: Richard Roe, Esq. (by email)
Counsel to Plaintiffs

Walter Saurack, Esq. (by email)
Counsel to the Bayrock Group